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22850 7590 12/21/2006 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MOONEYHAM, JANICE A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/753,582	<b>Applicant(s)</b> MATSUSHIMA, HIROYUKI	
	<b>Examiner</b> Janice A. Mooneyham	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-19, 21-25 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-7, 9-19, 21-25 and 28-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This is in response to the applicant's communication filed on October 5, 2006, wherein:

Claims 1-7, 9-19, 21-25 and 28-32 are currently pending;

Claims 28 and 30-31 have been amended.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-12, and 28-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al (5,726,885) (hereinafter referred to as Klein) in view of Steinberg et al (6,628,325).

Referring to Claim 1:

Klein discloses a lending management system (hire vehicle transportation system) comprising:

a client terminal connected to a network (*Figure 1 User N; col. 3, lines 12-17 communication between the user and disposition center for purpose of reserving takes places via an information transmission channel, for example, via the telephone network; col. 4, lines 29-31 additionally, the user (N) can communicate with the disposition center (Z) via a telephone line including a modem*);

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a server terminal (*disposition center*) connected to the network and configured to be connected to a device (*Figure 1 Disposition Center connected to F1 and F2, Figure 2 Disposition Center (Z)*);

wherein said client terminal is configured to transmit to the server terminal via the network information related to reservation of the device (*Figure 1 and col. 4, lines 32-45 via the telephone network link (1) to which computer (d) can be connected directly to the disposition center (Z), user (N) can reserve in advance; col. 7, lines 4-10 the user can reserve the desired vehicle in advance by contacting the disposition center (Z)*);

said server terminal configured to receive from the client terminal the information, determine if the reservation is permitted, register the information and transmit information to the client terminal indicating the registration of the reservation (*col. 7, lines 4-15 the disposition center checks the user authorization and the availability of possible vehicles for the desired journey. The user then selects the desired vehicle, being informed by the disposition computer about current and future planned availability*).

Klein does not disclose that the device is an information device or that the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device.

However, Steinberg disclose an information device (*digital camera (12)*) and the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device (*Figure 1, destination (18); Figure 15 (258) Set up destination; col. 2, lines 39-42 a communication*

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device for interconnecting a digital camera to communication network for downloading data to a remote computer, col. 2, lines 54-57 remote computer/destination address).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation.

It appears that applicant is trying to identify the system by what it does or by a property or characteristic it has rather than by what it is. For example, the applicant states that the server terminal transmits the input image data to a user of the information device based on the method of transmission. The Examiner asserts that the prior art apparatus must be distinguished from the prior art in terms of structure rather than function alone. If the Examiner has a reason to believe that the functional limitation can be performed by the prior art structure, the burden is on the applicant to prove otherwise. In this case, the Examiner has reason to believe that the prior art structure can transmit input image data.

Referring to Claim 2:

Klein discloses a server terminal comprising a user certification unit (disposition Center) configured to authenticate user in accordance with input information (col. 5,

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*lines 38-57 subscriber administration is carried out in disposition center (Z). Subscriber administration includes the administration of user identification numbers of authorized system users and the checking of the user authorization when a vehicle is hired); and*

*a permission unit configured to check the input information provided with an access right by said user certification unit and permit lending of the device (col. 5, lines 38-57 the disposition center (Z) tests this data and in case of an authorized use request, transmits back an enabling instruction).*

Referring to Claim 3:

*Steinberg discloses a password (col. 8, lines 24-25 requiring a user password avoids the possibility that an unauthorized person will alter data).*

Referring to Claim 4:

*Steinberg a magnetic card reader configured to read a magnetic card in which an identity of the user is registered (col. 2, lines 53-63 the device may also have a Smart card socket into which a user can insert a card to input data, such as user and camera I.D., user authorization).*

Referring to Claim 5:

*Klein discloses an integrated circuit card reader configured to read an integrated circuit card in which an identity of the user is registered (col. 3, lines 21-29 a chip card which is coded for a specific vehicle and serves as access authorization for the selected vehicle; col. 4, lines 23-29 when he is present at the collection and return point (Hi), the user (N) can establish a communication link (3) with the automatic collection and return machine (HA) by means of a user identification card which identifies him as an*

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*authorized user of the system, and which can be inserted into a corresponding card reader on the automatic collection and return machine (HA)).*

Referring to Claim 6:

Steinberg discloses fingerprint input unit configured to receive an input fingerprint of the user (col. 2, line 57-63 *can be programmed to perform fingerprinting procedures*).

Referring to Claim 7:

Klein discloses server terminal is configured to transmit a lock release signal to activate and deactivate a lock switching unit configured to permit and prevent operation of the device (col. 3, lines 35-40 *the invention offers increased protection from unauthorized use in that the maximum duration of a hire period is stored on the chip card and is called up on the vehicle side by a locking control unit. When the period of use is exceeded, the locking control unit prevents the vehicle from being opened again, col. 5, lines 18-23 the vehicle/disposition center communication link (6) can be bidirectional in order to disable a vehicle reported as stolen by setting the immobilizer under remote control from the disposition center (Z) after the ignition has been switched off*).

Referring to Claim 9:

Steinberg discloses that the image transmission designating unit is configured to transmit the input image data by electronic mail (col. 12, lines 28-31; Figure 16 (6) *send data by e-mail with low resolution of image*).

Referring to Claims 10-11:

Steinberg discloses the device receiving image data and other information data from a camera and securing the data and structuring it according to the required protocol (col. 4, lines 36-49) and Steinberg identifies network protocols as TCP/IP in Figure 7 under Device to Network Protocols.

Steinberg does not explicitly disclose transmitting by a file transfer protocol method or a file transfer method.

The Microsoft Computer Dictionary states that FTP is a fast application-level protocol widely used for copying files to and from remote computers systems on a network using TCP/IP such as the Internet and that file transfer is the process of moving or transmitting a file from one location to another.

Therefore, it would have been obvious to one of ordinary skill in the art to combine file transfer and FTP into the disclosure of Steinberg since Steinberg is sending image data from a camera over a communication network and downloading it to remote network locations or computers and this allows this process to be carried out over the Internet.

Referring to Claim 12:

Steinberg discloses a printing unit (col. 4, lines 42-49 *sends the data through the network for transmission to a destination device such as a computer, **printer**, serve, Figure 16 (2) Decrypt data and print image).*



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Referring to Claims 28 and 31:

Klein disclose a lending (reservation) management method and a computer readable medium for reserving lending of an device (vehicle) with a reservation, comprising:

authenticating a user (col. 7, lines 4-12 *the disposition center (Z) checks the user authorization*);

confirming that the reservation is available with respect to the device (col. 7, lines 10-12 *the disposition center (Z) checks the availability of possible vehicles*);

confirming an identity of the user who registers the reservation (col. 4, lines 32-45 *the user (N) can reserve in advance a desired vehicle or a desired type. Such reservation made, a chip card associated with the selected vehicle is issued after the user (N) making the reservation has proved his identity*);

releasing a lock of the device (col. 4, lines 50-55 *by inserting the chip card into the card reader, the vehicle is opened and an existing immobilizer is disarmed, i.e., the ignition is enabled*).

Klein does not disclose an information device or designating a method for transmitting an image captured by the information device after the information device is reconnected to a network used in the lending reservation method.

However, Steinberg discloses an information device (digital camera (12)) and designating a method for transmitting an image captured by the device after the device is connected to a network (Figure 15 (258) Set up destination; col. 5, lines 7-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation and also providing a method for deleting the image data from the camera.

Referring to Claim 29:

Steinberg discloses transmitting the image in accordance with an image transmission method (col. 4, lines 37-49 *the device sends the data through the network for transmission*).

Referring to Claim 32:

Steinberg discloses a WWW server function (col. 12, lines 21-36 *distribute selected data items to other remote locations, such as the web; Figure 16 (5) place image data on the web*).

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein and Steinberg as applied to claims 28-29 above and further in view of Shiota et al (US 6,657,660) (hereinafter referred to as Shiota).

Referring to Claim 30:

Klein and Steinberg disclose the limitations of claim 28-29. Steinberg discloses image being transmitted by one of electronic mail, a file transfer protocol method, a file transfer method, a printer output or storing the image in the server (col. 4, lines 37-49 *the device sends the data through the network for transmission to a destination device such as a computer, printer, server; Figure 16 (6) send data by e-mail; col. 21-36*).

Neither Klein nor Steinberg discloses transmitting the image from the information device to the server.

However, Shiota discloses an image server (6) for transferring the picture image data recorded by a digital camera from the digital camera to the image server (col. 2, lines 43-50 and Figure 1 (6)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation method and system of Klein and Steinberg the ability to store and transmit data from an image server as taught in Shiota to provide a picture image data storing and utilizing system which enables even a user who does not have a personal computer at hand or at all to use a digital camera easily and to store or utilize picture images recorded by a digital camera.

4. Claims 13-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al (5,726,885) (hereinafter referred to as Klein) in view of Steinberg et al (6,628,325) and further in view of Shiota et al (US 6,657,660) (hereinafter referred to as Shiota).

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Referring to Claim 13:

Klein discloses a lending management system (hire vehicle transportation system) comprising:

a client terminal connected to a network (*Figure 1 User N; col. 3, lines 12-17 communication between the user and disposition center for purpose of reserving takes places via an information transmission channel, for example, via the telephone network; col. 4, lines 29-31 additionally, the user (N) can communicate with the disposition center (Z) via a telephone line including a modem*);

a server terminal (*disposition center*) connected to the network and configured to be connected to a device (*Figure 1 Disposition Center connected to F1 and F2, Figure 2 Disposition Center (Z)*);

wherein said client terminal is configured to transmit to the server terminal via the network information related to reservation of the device (*Figure 1 and col. 4, lines 32-45 via the telephone network link (1) to which computer (d) can be connected directly to the disposition center (Z), user (N) can reserve in advance; col. 7, lines 4-10 the user can reserve the desired vehicle in advance by contacting the disposition center (Z)*);

said server terminal configured to receive from the client terminal the information, determine if the reservation is permitted, register the information and transmit information to the client terminal indicating the registration of the reservation (*col. 7, lines 4-15 the disposition center checks the user authorization and the availability of possible vehicles for the desired journey. The user then selects the desired vehicle, being informed by the disposition computer about current and future planned availability*).

Klein does not disclose that the device is an information device or that the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device or that the server transmits the input image data.

However, Steinberg disclose an information device (*digital camera (12)*) and the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device (Figure 1 destination (18), Figure 15 (258) Set up destination; col. 2, lines 39-42 a communication device for interconnecting a digital camera to communication network for downloading data to a remote computer, col. 2, lines 54-57 remote computer/destination address).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation.

Shiota discloses a server transmitting the input image data (Figure 1; Figure 3, col. 2, lines 26-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation method and system of Klein and Steinberg

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the ability to store and transmit data from an image server as taught in Shiota to provide a picture image data storing and utilizing system which enables even a user who does not have a personal computer at hand or at all to use a digital camera easily and to store or utilize picture images recorded by a digital camera.

It appears that applicant is trying to identify the system by what it does or by a property or characteristic it has rather than by what it is. For example, the applicant states that the server terminal transmits the input image data to a user of the information device base on the method of transmission. The Examiner asserts that the prior art apparatus must be distinguished from the prior art in terms of structure rather than function alone. If the Examiner has a reason to believe that the functional limitation can be performed by the prior art structure, the burden is on the applicant to prove otherwise. In this case, the Examiner has reason to believe that the prior art structure can transmit input image data.

Referring to Claim 14:

Klein discloses a server terminal comprising a user certification unit (disposition Center) configured to authenticate user in accordance with input information (*col. 5, lines 38-57 subscriber administration is carried out in disposition center (Z). Subscriber administration includes the administration of user identification numbers of authorized system users and the checking of the user authorization when a vehicle is hired*); and

a permission unit configured to check the input information provided with an access right by said user certification unit and permit lending of the device (*col. 5, lines*

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*38-57 the disposition center (Z) tests this data and in case of an authorized use request, transmits back an enabling instruction).*

Referring to Claim 15:

*Steinberg discloses a password (col. 8, lines 24-25 requiring a user password avoids the possibility that an unauthorized person will alter data).*

Referring to Claim 16:

*Steinberg a magnetic card reader configured to read a magnetic card in which an identity of the user is registered (col. 2, lines 52-57 the device may also have a Smart card socket into which a user can insert a card to input data, such as user and camera I.D., user authorization).*

Referring to Claim 17:

*Klein discloses an integrated circuit card reader configured to read an integrated circuit card in which an identity of the user is registered (col. 3, lines 21-29 a chip card which is coded for a specific vehicle and serves as access authorization for the selected vehicle; col. 4, lines 23-29 when he is present at the collection and return point (Hi), the user (N) can establish a communication link (3) with the automatic collection and return machine (HA) by means of a user identification card which identifies him as an authorized user of the system, and which can be inserted into a corresponding card reader on the automatic collection and return machine (HA)).*

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Referring to Claim 18:

Steinberg discloses fingerprint input unit configured to receive an input fingerprint of the user (col. 2, lines 57-62 *can be programmed to perform fingerprinting procedures*).

Referring to Claim 19:

Klein discloses server terminal is configured to transmit a lock release signal to activate and deactivate a lock switching unit configured to permit and prevent operation of the device (col. 3, lines 35-40 *the invention offers increased protection from unauthorized use in that the maximum duration of a hire period is stored on the chip card and is called up on the vehicle side by a locking control unit. When the period of use is exceeded, the locking control unit prevents the vehicle from being opened again, col. 5, lines 18-23 the vehicle/disposition center communication link (6) can be bidirectional in order to disable a vehicle reported as stolen by setting the immobilizer under remote control from the disposition center (Z) after the ignition has been switched off*).

Referring to Claim 21:

Steinberg discloses that the image transmission designating unit is configured to transmit the input image data by electronic mail (col. 12, lines 28-32; Figure 16 (6) *send data by e-mail with low resolution of image*).

Referring to Claims 22-23:

Steinberg discloses the device receiving image data and other information data from a camera and securing the data and structuring it according to the required



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protocol (col. 4, lines 37-48) and Steinberg identifies network protocols as TCP/IP in Figure 7 under Device to Network Protocols.

Steinberg does not explicitly disclose transmitting by a file transfer protocol method or a file transfer method.

The Microsoft Computer Dictionary states that FTP is a fast application-level protocol widely used for copying files to and from remote computers systems on a network using TCP/IP such as the Internet and that file transfer is the process of moving or transmitting a file from one location to another.

Therefore, it would have been obvious to one of ordinary skill in the art to combine file transfer and FTP into the disclosure of Steinberg since Steinberg is sending image data from a camera over a communication network and downloading it to remote network locations or computers and this allows this process to be carried out over the Internet.

Referring to Claim 24:

Steinberg discloses a printing unit (col. 4, lines 42-49 *sends the data through the network for transmission to a destination device such as a computer, **printer**, serve, Figure 16 (2) Decrypt data and print image*).

Referring to Claim 25:

Steinberg discloses a system configured to store the input image data in the server (col. 4, lines 43-49 *then sends the data through the network for transmission to a destination device, such as a computer, printer, **server**, phone switch*).

***Response to Arguments***

5. Applicant's arguments filed October 5, 2006 have been fully considered but they are not persuasive.

In response to the applicant's argument on page 10 of the remarks, regarding *In re Keller*, the Examiner made the assertion in response to the applicant's argument submitted on February 21, 2006, wherein applicant stated:

With regard to the rejection of Claim 28 under 35 U.S.C. § 103(a) as unpatentable over Klein in view of Steinberg, that rejection is respectfully traversed.

Amended Claim 28 recites in part, "designating a method for transmitting an image to the user, the image captured by the information device after the information device is reconnected to the network used in the lending reservation method."

The outstanding Office Action conceded that Klein does not teach or suggest this feature. Although the outstanding Office Action cited Steinberg as describing an information device and a method for transmitting an image captured by the device after the device is connected to a network, the Office Action does not assert, and it is respectfully submitted that Steinberg does not teach or suggest "***designating*** a method for transmitting an image," as recited in Claim 28. In fact, the cited portion of Steinberg does not discuss any data transmission, much less "designating a method for transmitting an image." Consequently, neither Klein nor Steinberg teach or suggest "designating" as recited in Claim 28.

In response to applicant's arguments against the references individually, i.e., Klein does not disclose data being transmitted after the user returns the car, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Klein was cited as a method and system of making a reservation. Steinberg has been cited

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as having a digital camera with images being transmitted by the designating unit (Figure 15 (258) Setup destination).

Furthermore, the Examiner asserts that MPEP 2111 requires the Examiner to give claim language the broadest reasonable interpretation in light of the specification without reading limitations from the specification into the claims. Thus, the Examiner asserts that "setting up a destination" is designating a method for transmitting an image. Also, Steinberg discloses that the device can be programmed to automatically connect to the network when the camera image is full, or partially full, and then download the image data (col. 5, lines 19-26). A broad, but reasonable, interpretation of this language is designating a method for transmitting an image. The Examiner asserts that programming the device download the image files is programming a method for transmitting an image.

Applicant states that Claims 1 and 13 recite in part:

the client terminal comprises an image transmission method designating unit ***configured to designate, at the time reservation, server terminal information related to a method of transmission of input image data*** once the information device is returned, wherein the input image data is an image captured by the information device and input from the information device to the server terminal, and

the server terminal transmits the input image data based on the method of transmission.

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Applicant states that Steinberg, at most, describes a digital camera that can receive commands regarding data transmission. Applicant then states that there is no teaching or suggestion in Steinberg regarding making a reservation, therefore, Steinberg cannot teach or suggest a device configured to designate, at the time of reservation, a method of transmission data.

The applicant once again argues that the device is configured to designate, at the time of reservation, a method of transmission of data. Applicant states that neither Klein nor Steinberg contain structural elements that perform the claimed function.

Claims 1 and 13 are directed to system. Therefore, the intended manner of use of the structure has little patentable weight. It appears that applicant is trying to identify the system by what it does or by a property or characteristic it has rather than by what it is. It is not clear to the Examiner, how the timing of the designation, would change the structure of a system. If there is a designation device that allows for some sort of instruction as to how the image is to be transmitted, then the claim language has been met. The prior art apparatus must be distinguished from the prior art in terms of structure rather than function alone. If the Examiner has a reason to believe that the functional limitation can be performed by the prior art structure, the burden is on the applicant to prove otherwise. In this case, the Examiner has reason to believe that the prior art structure can transmit input image data. Furthermore, the Examiner asserts that Steinberg discloses designating methods of transmission of input image data. For example, Steinberg discloses:

**(8) Because the device 10 is programmable, there is significant flexibility in its use. For example, device 10 can be programmed to perform functions**

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**automatically, for example to receive instruction from a destination device/host computer 18** to direct the camera to take a picture at a particular time of day, or every hour and/or to download images or upload information at a specific time from the camera. The device 10 can be programmed by a destination device 18 to operate a camera "off-line". After uploading the instruction to the device 10, the communication can be terminated. The device 10 can keep the instructions and send them to the camera appropriately.

(9) In another example, the device 10 can be programmed to automatically connect to the network 16 when the camera image data storage is full, or partially full, and then to download the image data and subsequently disconnect from the network 16. Upon completion of downloading and receiving a confirmation from the destination 18, the device 10 can continue by deleting the image data from the camera.

(10) The communication device 10, or camera if it is programmable, can also be loaded with information to accompany an image, and this information can be included, for example, in an image header. Examples of valuable information may include an account number and a camera ID. The device 10 can be programmed to automatically include this information with image data downloaded to a destination. Such identification avoids confusion as to the source of the image.

(11) The communication device is designed with selected features permanently programmed. **An alternate embodiment of the present invention includes permanent programming to allow downloading of data only to a specific destination.** Such fixed programming helps avoid theft of the device or camera for a different use. In general, it is a specific feature of the present invention to provide a device with permanent programming for any specific purpose.

(12) Another alternate embodiment includes fixed programming to automatically request and receive a camera ID from the destination device 18, and/or smart card 36 when connected to either of these. The camera ID is then included along with image data. A still further embodiment includes permanent programming to read and increment a counter and assign a unique number to each image received. In this way each image has associated with it a unique number, and the ID of the camera that secured the image. The programming for these functions will be understood by those skilled in the art, and is not shown. The required clock, counter, ROM and other necessary circuit components are illustrated in block form in FIG. 3. In an embodiment wherein the communication device is integrated with a digital camera, the camera ID is programmed into ROM, and therefore no additional request or receiving of a camera ID is required. The operation of including an image number is

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accomplished in the same manner as with the separate communication device. The integrated camera and communication device will be more fully described in the following text in reference to FIG. 9 of the drawing.

**(46) Upon receiving data from the communication device (block 264), the destination can automatically process the data according to specific programmed objectives (block 266). A number of possibilities are included in FIG. 16 under "Data Processing by Destination". In cases where data is received in unencrypted form, it can encrypt and store the data, or it can decrypt encrypted data and print images automatically or archive them. The destination 18 can also automatically distribute selected data items to other remote locations, such as on the web, or e-mail at a low resolution image for inspection prior to a sale. The destination can also store authentication data of an original image and create corresponding authentication data from a questionable image, and compare the two sets of authentication data to determine the validity of the questionable image.**

Thus, the Examiner asserts that Klein in combination with Steinberg disclose the limitations of claims 1 and 13.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

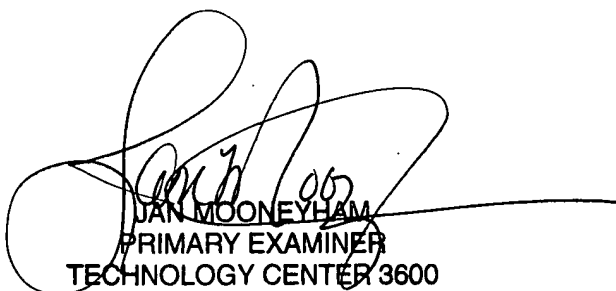
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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